REMARKS

In the Office Action dated June 17, 2003, claims 1-4, 6-8, 10-16, 18, 20, 22-25, 27, 28, 30-33, 35-39, and 41-46 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,151,619 (Riddle) in view of U.S. Patent No. 6,313,864 (Tabata); claims 5, 21, and 26 were rejected under § 103 over Riddle in view of Tabata and U.S. Patent No. 5,907,604 (Hsu); and claims 9, 17, and 40 were rejected under § 103 over Riddle in view of Tabata and Coleman (H1790).

Claim 13 has been amended to fix a grammatical error. The scope of the claim remains unchanged.

The hypothetical combination of Riddle and Tabata fails to teach or suggest the invention of claim 10. The Office Action stated that Riddle discloses a controller adapted to communicate Session Initiation Protocol messaging over a packet-based network to establish a call session. This is clear error. There is nothing whatsoever within Riddle to even remotely suggest that Session Initiation Protocol messaging can be used to establish any type of call session. In fact, the filing date of Riddle is November 1996, years *before* the Session Initiation Protocol (SIP) was established. Note that the date of the SIP Specification (RFC 2543)[1] is March 1999, whereas the filing date of Riddle is in 1996. Therefore, as of the filing data of Riddle, SIP was clearly not considered since the SIP Specification did not exist at that time. To now say that Riddle clearly includes Session Initiation Protocol is to ignore the facts surrounding when that protocol was establish in the SIP Specification.

Tabata, which relates to traditional circuit-switched communications using video phone systems over conventional telephone lines, also fails to disclose or suggest use of Session Initiation Protocol messaging to set up a packet-based call session.

Therefore, the asserted combination of Riddle and Tabata fails to disclose at least one element of claim 10, namely the controller adapted to communicate Session Initiation Protocol messaging over a packet-based network to establish a call session. For at least

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[1] RFC 2543 was submitted as reference P in the IDS mailed November 29, 2000.

this reason alone, a *prima facie* obviousness rejection has not been properly established with respect to the claim.

The same is also true for independent claim 18, which recites an article that comprises at least one machine-readable storage medium containing instructions that when executed cause a processor to communicate Session Initiation Protocol messaging to establish a packet-based call session. With respect to independent claim 30, the asserted combination of Riddle and Tabata fails to disclose or suggest a second telecommunications device to establish a call session with a first telecommunications device using Session Initiation Protocol messaging. Therefore, *prima facie* obviousness rejections have also not been established with respect to independent claims 18 and 30.

Moreover, Applicant respectfully submits that it is improper to combine Riddle and Tabata, as there is no motivation or suggestion to combine these references. Riddle is directed to displaying an image of a calling user at a called device, with the image of the user captured by a camera device. Riddle, 15:17-40. However, there is no suggestion anywhere within Riddle of any need to animate the image that is displayed. The reason for displaying an image in Riddle is to allow a user of the receiving device to accept or reject a teleconference request. Riddle, 15:37-40. Thus, based on this, there is no need to perform animation of the image in Riddle. Therefore, a person of ordinary skill in the art would not have been motivated to modify a Riddle to provide animation of the image. Based on impermissible hindsight, the Office Action cited Tabata as teaching the missing elements of the claims. There is simply no justification for the asserted combination, as Tabata is directed to a completely different application (circuit-switched video phone systems) than Riddle. Therefore, based on this additional, independent reason, a *prima facie* obviousness rejection has not been properly established with respect to the claims.

Moreover, the Examiner has failed to establish how the circuit-switched communications using video phone systems disclosed by Tabata can be employed in the Riddle system. The Examiner has thus failed to establish any expectation of success with respect to the combination of Riddle and Tabata. This violates the second requirement of the *prima facie* case of obviousness. *See* MPEP § 2143 (8th ed., Rev. 1), at 2100-124.

With respect to independent claim 1, the hypothetical combination of Riddle and Tabata fails to disclose or suggest the following elements: receiving information

11

associated with at least one physical attribute of a party during a packet-based call session, altering at least a portion of the image associated with the party information based on the received information, and displaying the altered image during the packet-based call session. Note that the receiving of information associated with at least one physical attribute of the party occurs during the packet-based call session, and displaying of an altered image (based on the received information) also occurs during the packet-based call session. Neither Riddle nor Tabata discloses or suggests these elements. As noted above, Riddle is directed to displaying a still image of a calling user, with no indication whatsoever within Riddle of receiving information for the purpose of altering an image that can be displayed during a packet-based call session. Tabata is similarly lacking these elements, as Tabata is directed to communications over a conventional telephone line. *See* Tabata, 5:35-38. Thus, in Tabata, there is no teaching or suggestion of receiving information associated with at least one physical attribute of a party *during the packet-based call session*, and displaying the altered image (altered based on the received information) *during the packet-based call session*. Since neither Riddle nor Tabata teaches or suggests the missing elements, the asserted combination cannot teach or suggest the missing elements.

The teachings of each reference must be viewed as a whole to determine what they would have suggested to a person of ordinary skill. Riddle relates to the display of still images--there simply does not exist any need for animating the still images. Tabata, on the other hand, teaches circuit-switch video phone communications. Looking to such teachings of Riddle of Tabata, there does not exist any justification for the Examiner's assertion that the teachings of the two references can be combined.

Therefore, for foregoing reasons, the *prima facie* obviousness rejection of claim 1 has not been established. Moreover, as discussed above, it is improper to combine Riddle and Tabata to achieve the claim combination, as there is no suggestion or motivation to perform such combination. Therefore, the obviousness rejection of claim 1 is defective on this further ground.

Similarly, with respect to independent claim 25, the asserted combination of Riddle and Tabata fails to disclose or suggest receiving voice information and mapping information during a call session established over an Internet Protocol network, and

12

animating a facial image based on the mapping information and voice information received during the call session over the Internet Protocol network.

With respect to independent claim 35, the asserted combination of Riddle and Tabata fails to disclose or suggest a controller adapted to transmit animation information to a remote telecommunications device in a packet-based call session.

In view of the foregoing, it is respectfully submitted that all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0082US).

Respectfully submitted,

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